

**From:** Joe Buczek  
**To:** Microsoft ATR  
**Date:** 11/17/01 2:23pm  
**Subject:** Comments on DOJ proposed settlement with Microsoft

Dear DOJ,

The published proposed settlement with Microsoft concerning its anti-trust conviction is a travesty of justice. Microsoft, by its own admissions and demonstrated behavior, plus the considered testimony of numerous, credible expert witnesses violated anti-trust laws. It earned its guilty verdict. The proposed settlement does NOTHING to prevent Microsoft from continuing the behavior that got it convicted. It does NOTHING to undo the monopoly Microsoft has established.

At a minimum, the settlement should include these stipulations:

- Microsoft shall publish the programmatic API's to \*all\* of its system and application software, without restriction and without cost, to the public. The information should be published on the internet and should require no binding agreement between Microsoft and anyone who wishes to use it.
- Microsoft shall publish all data, protocol, and file formats for all of its products. The publication of any changes to these must precede the publication of software by Microsoft by a minimum of 6 months prior to any commercial release of Microsoft products that use them.
- Microsoft shall be required to charge all customers, regardless of buying volume, the same price for all of its products.
- Microsoft shall be prohibited from "bundling" any products based on the purchase of any other products, regardless of whether they are made by Microsoft or not.

Anything less than the above simply ignores the gravity of the legal judgement that Microsoft BROKE THE LAW. It will do nothing to foster competition in the software development business.

Microsoft should pay treble damages for the cost of the government's prosecution of the case against them, especially since it was demonstrated DURING THE TRIAL that they attempted to deceive the court.

The proposed settlement is an affront to the justice system's conviction of Microsoft, and it is an insult to the hundreds of expert witnesses and thousands and thousands of independent software developers who must face monopoly power if the judgement does not include the above stipulations intended to, for the first time, PERMIT COMPETITION with Microsoft on a more level playing field.

As an independent software developer, I urge the DOJ to put the above stipulations into the settlement.

Respectully,

Joseph Buczek, independent software developer

Buczek Consulting

1261 Lincoln Ave., Suite 218

San Jose, Ca 95125

(408) 298-6178

[jbuczek@buczek.com](mailto:jbuczek@buczek.com)